

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JERRY BRENDEN,

Plaintiff,

v.

SELLEN CONSTRUCTION COMPANY,

Defendant.

Case No. C05-1681L

ORDER VACATING ORDER OF  
DISMISSAL

This matter comes before the Court *sua sponte*. On November 28, 2005, the above-captioned matter was dismissed because plaintiff failed to correct a deficiency in his application to proceed *in forma pauperis*. Dkt. # 4. Two days later, the Court received in the mail a second application to proceed *in forma pauperis* which contains page two of the application and appears to resolve the deficiency noted by the Honorable James P. Donohue, United States Magistrate Judge. The "Order of Dismissal" (Dkt. # 4) is hereby VACATED and plaintiff's second application to proceed *in forma pauperis* (Dkt. # 5) is referred to Magistrate Judge Donohue for consideration.

DATED this 7th day of December, 2005.



Robert S. Lasnik  
United States District Judge

ORDER VACATING ORDER OF DISMISSAL